

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:

KENNETH J. SAMANSKY  
XXX-XX-8594  
3001 NORTH TRINITY ROAD  
DENTON, TX 76208

DEBTOR

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CASE NO. 13-41306-R

CHAPTER 13

MOTION TO DISMISS AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON September 24, 2014, AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom  
Wells Fargo Bank Building  
660 North Central Expressway  
Plano, Texas 75074**

COMES NOW JANNA L. COUNTRYMAN, the Standing Chapter 13 Trustee, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has unreasonably delayed the case because the Debtor has failed to make Chapter 13 plan payments as required by 11 USC §1326(a)(1). As of August 28, 2014, the Debtor is in arrears in the amount of \$4,205.00.

2. Failure to perform this duty constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307(c)(1) and amounts to a material default of a confirmed plan under 11 USC §1307(c)(6), and thus, cause exists for dismissal.

WHEREFORE, PREMISES CONSIDERED, Janna L. Countryman, the Standing Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Shelly Terrill

Janna L. Countryman, TBN 04888050

Shelly Terrill, TBN 00794788

Office of the Standing Chapter 13 Trustee

500 North Central Expressway, Suite 350

Plano, Texas 75074

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below .

KENNETH J. SAMANSKY  
3001 NORTH TRINITY ROAD  
DENTON, TX 76208

BARRON & BARRON, LLP  
P. O. BOX 1347  
NEDERLAND, TX 77627-1347

Dated: August 29, 2014

/s/ Shelly Terrill

Office of the Standing Chapter 13 Trustee